

REMARKS

Claims 28, 35 and 49-54 are pending in the application. Claims 28, 49, 51 and 53 are allowed. Claims 35, 50, 52 and 54 are rejected. No new matter is added. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 112

Claims 35, 50, 52 and 54 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has corrected the antecedent basis in these claims. Applicant believes that these claims are in condition for allowance.

OATH/DECLARATION

The Examiner states that the oath or declaration is defective because all inventors have not signed the oath. For the following reasons, Applicant believes that the declarations meet the statutory requirements.

In the June 4, 2002 Petition in Support of Application (June Petition) as filed, Applicant identified the named inventors of the above-identified application as follows:

Ben Jones
Scott Dupuie
Jeff Blackburn
Richard A. Johnson
Michael L. Abrams
James Broseghini
Mauricio A. Zavaleta
Mark E. Burchfield
Roger Maher
Burton A. DeVolk
Frank Mayo

The list of inventors who did not sign Oath/Declaration in the application were listed as follows: **Burton Devolk, Richard Johnson and James Broseghini.**

In the September 19, 2002 Renewed Petition (First Renewed Petition), Applicants listed the identity of the non-signing inventors as same as in the June Petition. The First Renewed Petition addressed deficiencies listed in the Decision rendered for the June Petition.

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In the May 9, 2002 Renewed Petition (Second Renewed Petition), Applicants listed the non-signing inventors as follows: **Burton Devolk, Richard Johnson, James Broseghini, and Mark Burchfield.** Mark Burchfield was added to the list of non-signing inventors. In order to correct deficiencies listed in the Decision rendered for the First Renewed Petition, Applicant prepared substitute declarations. Although Mark Burchfield signed the original declaration, Mar Burchfield did not sign the substitute declaration.

The Decision Rendered on September 5, 2003 granted Applicant's Second Renewed Petition.

Thus, Applicants believe that the pending case has properly executed declaration for all signing inventors and that the Decision Accepting the Second Renewed Petition addresses the absence of signatures for **Burton Devolk, Richard Johnson, James Broseghini, and Mark Burchfield.**


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CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. A request for an extension of time and the associated fee are submitted herewith. No additional fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-0010 (IO-1009US).

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to the Commissioner for Patents, Examiner, Nashmiya Saqib Fayyaz, facsimile no. (571) 273-8300, on this 6th day of March 2006.


By: Margaret A. Pruitt

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